

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5491 OF 2006

Jatin s/o.Jagdishchandra Patel
v/s.

.. Petitioner

The Union of India and others

.. Respondents

Mr. B.H. Vyas for the petitioner.

Mr. Girish Kulkarni i/by Ms. Swati Deshpande for the respondent
Nos.2 to 5.

Mr. V. Joglekar i/by Mr. G.A. Gawade for the respondent Nos.6 and 7.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.

DATED : 13TH MARCH, 2007

P.C.

It is the case of the petitioner that if clause 3(a) of the notification dated 9th July, 1990 issued by the Administration of Dadra and Nagar Haveli is considered, then in so far as reservation of Scheduled Castes and Scheduled Tribes has to be done in terms of the Government of India notification through Ministry of Health and Family Welfare dated 9th December 1986 which according to the learned counsel provides restoration of 15% of schedule caste and 7.1/2% to the scheduled tribes. It is pointed out that only exception carved out by the Ministry of Health and Family Welfare by notification of 15th July, 2005 is in respect of Lakshadweep Administration where reservation percentage is made on the local or regional basis i.e. Nil for SCs and 45% for STs.

2. On consideration of the various publications, we have no manner of doubt that reservation in so far as Union Territory of Dadra and Nagar Haveli is concerned, is 43% of SCs and 2% of STs. The only limitation is that the admission will be based on the criteria laid down by the Government, Ministry of Health and Family Welfare from time to time. The percentage of reservation has not been altered and continued to be 43% for SCs and 2% of STs. This can be the only interpretation considering that the S.T. population of Dadra and Nagar Haveli i.e. 80%.

3. Considering the above, we hold that the admission of the respondent Nos.5,6 and 7 cannot be faulted.

4. On behalf of the respondents, it is pointed out that the order of the G.R. issued by the Administration of Dadra and Nagar Haveli was challenged by two writ petitions being writ petition No.3696 of 1990 and writ petition No.3586 of 2003 and the validity of the said notification has been upheld by this court.

4. With the above observation, petition is disposed of.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)